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PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA, MD 20817

EXAMINER
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EWART, JAMES D

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/674,426

Applicant(s)

DIEDRICH ET AL.

Examiner

James D. Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed October 17, 2006, have been fully considered by Examiner, but they are not deemed persuasive. Applicant was puzzled by the outstanding office action because Celeste Loftin had provided two consecutive non-final actions and Applicant states that they are the same rejections as the same references are used in the rejection. However, Applicant notes that cited portions have changed from the first non-final versus the second non-final rejection, thus indicating the Examiner Ewart that the rejections are not the same. Examiner Ewart reviewed the arguments after the first non-final and apparently the Applicant disagreed with the portion the Celeste Loftin had cited and Celeste Loftin agreed with Applicant and provided a second non-final rejection with more appropriate citings. First of all, the Examiner would like to point out that most any reference that discusses a dual mode wireless device in a handoff situation could be used to reject the claim. If the mobile device is part of one communication system and enters a handoff situation and begins communicating with another system, then the systems communicate with each other and a determination is made as to which system to use, then a reference that teaches this would be a legitimate reference to reject the claim 1. Other references such as roaming to a different communication system and registering with the foreign system via the home communication system could just as well read on the claim. Celeste Loftin reference teaches a mobile device that can communicate with a data network and is thus part of the data network and a voice network and is thus part of the voice network. She changed her cited portion of the communication systems communicating with one another to specifically point to 12 the vehicle (also the NSC) which is part of both communication systems and a decision is made as to which communication system to use. The Examiner understands

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Applicants invention is more related to conflict resolution when two systems want to communicate with the mobile device simultaneously and resolve which communication system is allowed to communicate with the mobile device, but this is not indicated in the claims. The Examiner has provided several additional references with the aforementioned conflict resolution and although most are not embodied in a vehicle, vehicular mobile communications are well known in the art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-4, 7, and 9-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy III, (U.S. Patent No. 6,535,743).

Regarding claim 1, Kennedy III discloses a vehicle communication system comprising: a first communication system (i.e. voice network) connected to a user interface and capable of sending information to the user interface (col. 8 lines 5-20); a second communication system (i.e. data network, global network, and service center) connected to the user interface and capable of sending information to the user interface (col. 8 lines 45-66 and see figure 1 element 20); the user interface comprising at least one control (i.e. variety of buttons) and a display (col. 4 lines 12-13); the user interface being connected to at least one loudspeaker (i.e. speaker col. 13 line 23); wherein the first communication system and the second communication system communicate with one another (the mobile unit and service center may transfer data using the global network and/or voice network) (col. 13 lines 1-25) and determine which system can communicate with the user interface (at any time during or after the communication the switch may direct the inbound call from the mobile unit or the outbound call to the service center) (col. 23 lines 40-61).

Regarding claim 2 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system includes provisions for sending and receiving (reads on voice network comprises a first voice network that supports traditional voice services, such as, for example sending and receiving voice calls) wireless telephone (i.e. mobile unit) calls (col. 8 line 4-20).

Regarding claim 3 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system is configured to communicate with a wireless telephone (reads on mobile unit is couple to NSC using voice network) (col. 8 line 4-20).

Regarding claim 4 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system is configured to wirelessly (i.e. portable) communicate with a wireless telephone (col. 4 line 1-10).

Regarding claim 7 Kennedy III discloses the vehicle communication system according to claim 1, wherein the second communication system is configured to wirelessly communicate (reads on data network and data paths may be wireline, wireless, or a combination) with vehicle assistance service provider (i.e. roadside assistance) (col. 8 lines 45-67 and col. 15 line 30-50).

Regarding claim 9 Kennedy III discloses the vehicle communication system according to claim 1, wherein the second communication system is configured to receive different types of calls from a second communication service provider and information related to the different types of calls is used to determine which system can communicate with the user interface (reads on the data path established by the data network and data paths provide a sufficiently small transmission time to enable data) (col. 8 line 45-67 and col. 9 line 1-10).

Regarding claim 10 Kennedy III discloses a motor vehicle comprising: a chassis and at least one wheel adapted to contact a road surface (reads on any other suitable portion) (col. 13

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line 48); an interior including a steering wheel (i.e. steering wheel), dashboard (i.e. dashboard) and driver's seat (reads on any other suitable portion) (col. 13 line 47-48); a first communication system (i.e. mobile unit) installed in the motor vehicle and in communication with a user interface and configured to communicate with a first communication network (i.e. voice network) (see figure 1 element 12 and col. 8 lines 5-8, col. 7 lines 45-67); a second communication system (i.e. Computing Device) installed in the motor vehicle and in communication with the user interface and configured to communicate with a second communications network (i.e. global computer network) (figure 1 element 30 and col. 8 lines 61-66, col. 7 lines 45-67); and wherein the first communication system communicates with the second communication system (computing device exchanges information with the various components of mobile unit) (see figure 1 element 12 and 94, col. 7 45-67).

Regarding claim 11 Kennedy III discloses the motor vehicle according to claim 10, wherein the first communication system is engaged in an active call and wherein the second communication receives a second call while the first communication system is engaged in the active call (reads on receives a priority service message during preexisting communication) and wherein the active call is interrupted by the second call (reads on upon receiving a priority service message, NSC suspends or terminates preexisting communication) (col. 26 lines 6-15 and lines 10-18).

Regarding claim 12 Kennedy III discloses the motor vehicle according to claim 10, wherein the first communication system communicates with the second communication system

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(computing device exchanges information with the various components of mobile unit) and wherein the two communications systems, by communicating with one another, determine which communication system is given priority (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 26 lines 10-20, see figure 1 element 12 and 30, col. 7 45-67).

Regarding claim 13 Kennedy III discloses a motor vehicle comprising: a chassis, at least one wheel adapted to contact a road surface, and an interior (reads on any other suitable portion); the interior including a steering wheel (i.e. steering wheel), dashboard (i.e. dashboard) and driver's seat (reads on any other suitable portion); the motor vehicle further comprising (col. 13 line 47-48): a first communication system (i.e. mobile unit) in communication with the motor vehicle and configured to communicate with a first communication network (i.e. voice network) (see figure 1 element 12 and col. 8 lines 5-8, col. 7 lines 45-67); a second communication system (i.e. Computing Device) in communication with the motor vehicle and configured to communicate with a second communications network (i.e. includes the global network, data network, and service center) (figure 1 element 30 and col. 8 lines 45-67); wherein the first communications network (reads on voice network comprises any suitable number and collection of telecommunication hardware and associated software) is different than the second communications network (reads on data network may include hardware and software to establish a dedicated data path) (col. 8 lines 5-15 and lines 50-60); and wherein the first communication system communicates with the second communication system computing device exchanges



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information with the various components of mobile unit) (see figure 1 element 12 and 94, col. 7 45-67).

Regarding claim 14 Kennedy III discloses the motor vehicle according to claim 13, wherein the first communication system is configured to receive information from a wireless telephone network (reads on the communication session may include bidirectional voice and/or data communication between the mobile unit) (col. 12 lines 1-10).

Regarding claim 15 Kennedy III discloses the motor vehicle according to claim 13, wherein the second communication system is configured to receive information (device exchanges information with the various components of mobile unit) from a driver assistance network) (col. 7 lines 45-67).

Regarding claim 16 Kennedy III discloses the motor vehicle according to claim 13, wherein the first communication system and the second communication system communicate with one another (reads on device exchanges information with the various components of mobile unit) and determine which communication system has priority (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 7 lines 45-67 and col. 26 lines 10-20).

Regarding claim 17 Kennedy III discloses the motor vehicle according to claim 13, wherein the second communication system interrupts a call in progress on the first

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communication system (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication) (col. 26 lines 10-20).

Regarding claim 18 Kennedy III discloses the motor vehicle according to claim 13, wherein the second communication system retains priority over a call received by the first communication system (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and/or data session) (col. 26 lines 10-20).

Regarding claim 19 Kennedy III discloses the motor vehicle according to claim 13, further comprising a vehicle control system wherein the vehicle control system includes speech recognition (reads on an operator of mobile unit may issue a verbal command to select a particular enhanced service offered by a service center to monitor and control a particular sensor) and wherein the first communication system has priority over the vehicle control system (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and/or data session) (col. 14 lines 50-67 and col. 26 lines 10-20).

Regarding claim 20 Kennedy III discloses the motor vehicle according to claim 13, wherein the first communication system retains priority over a call received by the second communication system (reads on upon receiving priority service message, NSC suspends or

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terminates preexisting communication between mobile unit and NSC and establishes a voice and/or data session) (col. 26 lines 10-20).

Regarding claim 21, Kennedy III discloses a motor vehicle comprising: a chassis, at least one wheel adapted to contact a road surface, and an interior; the interior including a steering device and a driver's seat; the motor vehicle further (a mobile unit may be hand held or portable devices associated with any mobile item such as a car, truck, boat, airplane, or other items that are movable or mobile (figure 2 illustrates a user interface as a component of a rearview mirror of a vehicle associated with the mobile unit)) (col. 13 lines 30-50, col. 4 lines 1-10), comprising: a first communication system (ie mobile unit) disposed onboard the motor vehicle and configured to communicate with a first communication network (ie voice network) (see figure 1 element 12 and col. 8 lines 5-20, col. 7 lines 45-67); a second communication system disposed onboard the motor vehicle and configured to communicate with a second communications network (ie global network) (figure 1 element 30 and col. 8 lines 45-67); wherein the first communications network (ie voice network) (col. 8 lines 5-20) is different than the second communications network (ie includes the global network, data network, and service center) (see figure 1 element 12 and col. 8 lines 5-20, col. 7 lines 45-67); and wherein the first communication system communicates with the second communication system using resources located onboard the motor vehicle (computing device exchanges information with the various components of mobile unit) (see figure 1 element 12 and 94, col. 7 45-67, col. 13 lines 30-50).

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Regarding claim 22, Kennedy III discloses the motor vehicle according to claim 21, wherein the first communication system is configured to receive information from a wireless telephone network (the mobile units couple to NSC using voice network which comprises cell transmitter sites, MSCs and the various components of the PSTN) (col. 8 lines 4-22).

Regarding claim 23, Kennedy III discloses the motor vehicle according to claim 22, wherein the second communication system is configured to receive an incoming call from a second wireless telephone network (service center receives a call or voice component) (col. 21 lines 55-67).

Regarding claim 24, Kennedy III, the motor vehicle according to claim 21, wherein the second communication system is configured to receive information from a driver assistance network (the service center may access global network to provide directions using geographical, traffic and/or weather information) (col. 22 lines 38-55).

Regarding claim 25, Kennedy III discloses the motor vehicle according to claim 21, wherein the first communications system (the mobile unit and service center may transfer data using the global network and/or voice network) (col. 13 lines 1-25) and determine which system can communicate with the user interface (at any time during or after the communication the switch may direct the inbound call from the mobile unit or the outbound call to the service center) (col. 23 lines 40-61) disposed onboard the motor vehicle (col. 13 lines 35-50).

Regarding claim 26, Kennedy III discloses the motor vehicle according to claim 21, wherein the second communication system interrupts a call in progress on the first communication system (reads on upon receiving a priority service message, NSC suspends or terminates preexisting communication) (col. 26 lines 8-10 and lines 13-16).

Regarding claim 27, Kennedy III discloses the motor vehicle according to claim 21, wherein the second communication system retains priority over an incoming call received by the first communications system and retains access to a user interface (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 26 lines 13-18, see figure 1 element 12 and 94, col. 7 50-51) disposed onboard the motor vehicle (col. 13 lines 40-52).

Regarding claim 28, Kennedy III discloses the motor vehicle according to claim 21, wherein the first communication system retains priority over an incoming call received by the second communication systems and retains access to a user interface (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and/or data session) (col. 26 lines 13-18, see figure 1 element 12 and 94, col. 7 50-51) disposed onboard the motor vehicle (col. 13 lines 40-52).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy III, in view of P. Kennedy, (U.S. Patent No. 6,377,825).

Regarding claim 5 Kennedy III discloses the vehicle communication system according to claim 1, but fails to disclose wherein the first communication system is configured to wirelessly communicate with a wireless telephone using Bluetooth. In a similar field of endeavor, Kennedy discloses the vehicle communication system, wherein the first communication system is configured to wirelessly communicate with a wireless telephone using Bluetooth (read on as a combination of these and other air link technologies, such as Bluetooth) (col. 5 lines 24-25). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy III to include a first communication system configured to wirelessly communicate (i.e. air link technologies, such as Bluetooth) with a wireless telephone. Motivation for the combination is to make the number of signal conduction wires substantially reduced.

Regarding claim 6 Kennedy III discloses the vehicle communication system according to claim 1, but fails to disclose wherein the first communication system is configured to wirelessly communicate with a microphone using Bluetooth. In a similar field of endeavor, Kennedy discloses the vehicle communication system, wherein the first communication system is configured to wirelessly communicate with a microphone using Bluetooth (reads on the telephone generally features a built-in speaker and microphone) (col. 5 lines 32-33). At the time

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of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy III to include a first communication system configured to wirelessly communicate with a microphone using Bluetooth. Motivation for the combination is to provide for the input and output respectively of audio signals.

Regarding claim 8 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system communicates with the second communication system (reads on device exchanges information with the various components of mobile unit) but fails to disclose using CAN (col. 7 lines 45-67). In a similar field of endeavor, Kennedy discloses the vehicle communication system, wherein the first communication system communicates with the second communication system-using CAN (reads on the external subsystem may also include a controller area network (CAN) found in at least some vehicles and which includes a bus along which a number of vehicle elements communicate) (col. 25 lines 3-7). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy III to include a first communication system that is configured to communicate with the second communication system-using CAN. Motivation for the combination is to provide a cost-effective communication bus for the vehicle communication system.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al. U.S. Patent No. 6,816,481 discloses internet caller identification system and method.

Becher et al. U.S. Patent No. 6,920,126 discloses method for routing links through a packet-oriented communication network.

Bedingfield et al. U.S. Patent No. 6,757,274 discloses method and apparatus for allowing selective disposition of an incoming telephone call during an Internet session.

Chakravarty et al. U.S. Patent Publication No. 2003/0098773 discloses methods and systems for air vehicle telemetry.

Danne et al. U.S. Patent No. 5,946,381 discloses controlling incoming calls via the world-wide web.

DePond et al. U.S. Patent No. 6,317,488 discloses call waiting-caller identification notification device.

Devillier et al. U.S. Patent No. 6,366,661 discloses online call routing apparatus and method.

Elliott U.S. Patent No. 7,035,390 discloses user controlled call routing for multiple telephony devices.

Fishler U.S. Patent Publication No. 2003/0125023 discloses method and system for providing a wireless terminal communication session integrated with data and voice services.

Foladare et al. U.S. Patent No. 5,982,774 discloses internet on hold.

Frid et al. U.S. Patent No. 6,560,239 discloses retaining data communication while responding to a paging notification.



Hartley et al. U.S. Patent No. 6,463,146 discloses call waiting service in a telecommunication network.

Huang U.S. Patent No. 6,693,897 discloses method and system of screening and control of telephone calls while using a packet-switched data network.

Jones et al. U.S. Patent No. 6,404,764 discloses voice over internet protocol telephone system and method.

Kardach U.S. Patent No. 7,009,946 discloses method and apparatus for multi-access wireless communication.

Lawser et al. U.S. Patent No. 6,847,631 discloses method for completing internet telephony calls.

Norris et al. U.S. Patent No. 5,805,587 discloses call notification feature for a telephone line connected to the internet.

Macaulay et al. U.S. Patent No. 6,188,886 discloses server based voice call offer while telephone in data session.

Sallberg U.S. Patent No. 6,519,252 discloses system and method for connecting a call to a mobile subscriber connected to the internet.

Spradlin U.S. Patent No. 5,946,623 discloses system and method for routing a wireless telecommunications call.

Smock et al. U.S. Patent No. 6,377,668 discloses internet priority call device.


Whittaker U.S. Patent No. 6,125,177 discloses telephone communications network with enhanced signaling and call routing.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart, whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.

  
James Ewart  
January 4, 2007

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER